

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

MEMORANDUM

06-cr-221-bbc

v.

JAMES FRAZIER,

Defendant.

On November 7, 2011, defendant filed a motion for reduction of sentence under 18 U.S.C. § 3582. He alleged that because he was sentenced for possession with intent to distribute cocaine base (crack cocaine) and the guidelines for crimes involving distribution of crack cocaine have been lowered and given retroactive effect, he was entitled to a reduction in his sentence. On December 1, 2011, the government objected to a reduction on the ground that the amendment to the guidelines does not apply to defendant because his sentence was determined by his status as a career offender and not by drug quantity. The court agreed and denied defendant's motion in an order entered on December 5, 2011.

On December 19, 2011, defendant filed a notice of appeal. His appeal is pending. Defendant has now filed a letter with the court asking several questions about his career offender status.

Absent extraordinary circumstances, the district court should not consider any motions while an appeal is pending. United States v. Robinson, 8 F.3d 398 (7th Cir. 1993). Defendant has not alleged any extraordinary circumstances that require consideration of the questions posed in his letter to the court while his appeal is pending. Therefore, the court will not respond to defendant's letter while his appeal is pending.

Entered this 19th day of March, 2012.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge